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NOTIFICATION

LD (b) 3-2437|52|Law.

The following Act, passed by the Legislative Assembly and assented to by His Highness the Rajpramukh, is hereby published for general information.

By order of His Highness
the Rajpramukh,

Government Secretariat,
Law Department,
Trivandrum,
9th August 1952.

N. S. RADHAKRISHNA SARMA,
Secretary to Government.

ACT XVII OF 1952.

THE TRAVANCORE DISTRICT MUNICIPALITIES AND THE COCHIN MUNICIPAL (AMENDMENT) ACT.

Preamble.

Whereas it is deemed necessary further to amend the Travancore District Municipalities Act, 1116 (Act XXIII of 1116) and the Cochin Municipal Act, XVIII of 1113, for the purposes hereinafter appearing;

It is hereby enacted as follows:—

PART I.

PRELIMINARY.

Short title and commencement.

1. (1) This Act may be called the Travancore District Municipalities and the Cochin Municipal (Amendment) Act, 1952.

(2) It shall come into force at once.

PART II.

AMENDMENT OF THE TRAVANCORE DISTRICT MUNICIPALITIES ACT, 1116.

Amendment of Section 6, Act XXIII of 1116.

2. Sub-section (1) of Section 6 of the Travancore District Municipalities Act, 1116 (Act XXIII of 1116), hereinafter in this Part referred to as the said Act, shall be omitted.

Substitution of new section for Section 7, Act XXIII of 1116.

3. For Section 7 of the said Act, the following section shall be substituted, namely:—

Constitution of council.

"7 (1) The municipal council shall consist of such number of councillors as may be notified by the Government in accordance with the following table:—

Municipalities with a population—	No. of councillors.
Not exceeding 20,000	16
Exceeding 20,000 but not exceeding 30,000	20
Exceeding 30,000 but not exceeding 40,000	24
Exceeding 40,000 but not exceeding 50,000	28
Exceeding 50,000 but not exceeding 100,000	32
Exceeding 100,000	36

(2) All the councillors of every municipality shall be elected.

(3) Seats shall be reserved for Scheduled Castes and Scheduled Tribes in the council. The number of such seats, which shall be determined by the Government, shall bear, as nearly as may be, the same proportion to the total number of seats in the council as the population of Scheduled Castes and Scheduled Tribes in the municipality bears to the total population of the municipality.

(4) Notwithstanding anything contained in sub-section (3), the provisions of this Act relating to reservation of seats for Scheduled Castes and Scheduled Tribes in the council shall cease to have effect on the expiration of a period of nine years from the date on which the councillors elected at the first ordinary elections after the commencement of the Travancore District Municipalities and the Cochin Municipal (Amendment) Act, 1952, enter upon office:

Provided that nothing in this sub-section shall affect any representation in the council until the expiration of the term of the then existing council.

(5) Nothing contained in sub-section (3) shall be deemed to prevent members of Scheduled Castes and Scheduled Tribes from standing for election to the non-reserved seats in the Council.

(6) For the purposes of this Act, "Scheduled Castes" and "Scheduled Tribes" shall mean the castes and tribes which the Government may by notification in the Gazette declare to be Scheduled Castes and Scheduled Tribes, and "population" shall mean the population as ascertained at the last preceding census of which the relevant figures have been published."

4. In Section 8 of the said Act—

Amendment of Section 8, Act XXIII of 1116.

(a) in sub-section (1)—

(i) for the word "Medam", the word "January" shall be substituted;

(ii) the first proviso shall be omitted;

(iii) in the second proviso, the word "further" and the words "or appointed" shall be omitted and for the word "Medam", the word "January" shall be substituted;

(b) in sub-section (2), for the words "elected councillors", the word "councillors", for the words "Makaram and Kumbhom", the words "October and November" and for the word "Kumbhom" in the proviso, the word "November" shall be substituted;

(c) to sub-section (2), the following further proviso shall be added, namely:—

"Provided further that the Government may for sufficient reason direct from time to time the postponement or alteration of the date of an ordinary election or any stage thereof and the election authority shall give effect to such direction";

(d) in sub-section (4), for the words "elected councillor", the word "councillor" shall be substituted;

(e) sub-sections (6), (7), (8) and (9) shall be omitted;

(f) in sub-section (10), the words "or appointment" shall be omitted.

5. For Section 10 of the said Act, the following sections shall be substituted, namely:—

Substitution of new sections for Section 10 in Act XXIII of 1116

"10. (1) Every council shall elect one of its members to be its Chairman.

Chairman and Vice-Chairman of the municipality.

(2) The council shall elect one of its members other than the Chairman to be its Vice-Chairman.

(3) A Chairman shall be deemed to have vacated his office on the expiry of his term of office as a councillor or on his otherwise ceasing to be a councillor.

(4) A Vice-Chairman shall be deemed to have vacated his office—

(i) on the expiry of his term of office or on his otherwise ceasing to be a councillor ; or

(ii) on his election as Chairman.

(5) When the office of the Chairman is vacant, the Vice-Chairman shall exercise the functions of the Chairman until a new Chairman assumes office.

(6) When the office of the Chairman is vacant or the Chairman has been continuously absent from jurisdiction for more than fifteen days or is incapacitated and there is either a vacancy in the office of the Vice-Chairman or the Vice-Chairman has been continuously absent from jurisdiction for more than fifteen days or is incapacitated, the Collector or the Deputy Collector authorised by the Collector shall, after giving notice of not less than seven clear days to the councillors, convene a meeting for the election of a Chairman if there is a vacancy in that office and until a new Chairman or Vice-Chairman is elected and assumes office, or either the Chairman or the Vice-Chairman returns to jurisdiction or recovers from his incapacity, as the case may be, the Collector or the Deputy Collector, as the case may be, shall, notwithstanding anything contained in this Act or the rules or notifications issued thereunder, be *ex-officio* member and Chairman of the Council.

(7) An outgoing Chairman or Vice-Chairman shall, if otherwise qualified, be eligible for re-election.

Explanation.—A new Chairman or Vice-Chairman shall be deemed to have assumed office on his being declared elected as such.

Procedure when no Chairman or Vice-Chairman is elected.

10. A. If at an election held under Section 10, no Chairman or Vice-Chairman is elected, a fresh election shall be held."

Omission of Section 12, Act XXIII of 1116.

6. Section 12 of the said Act shall be omitted.

Amendment of Section 13, Act XXIII of 1116.

7. In Section 13 of the said Act—

(a) for sub-section (2), the following sub-section shall be substituted, namely :—

"(2) The Commissioner shall hold office for such period not exceeding three years as may be specified in his order of appointment. An outgoing Commissioner shall be eligible for re-appointment if he is otherwise qualified." ;

(b) in sub-section (4), for the word 'three-fourths', the word 'two-thirds' shall be substituted

(c) for sub-section (6), the following sub-section shall be substituted, namely :—

"(6) (a) The Commissioner shall be paid out of the municipal fund such salaries and allowances not exceeding four hundred rupees per mensem in the aggregate as may from time to time be fixed by the Government.

(b) The municipal council shall contribute to leave allowances, provident fund or pension and gratuity of the Commissioner to the extent required by the Government.

(c) The leave and leave allowances, superannuation or retirement, pension or gratuity and provident fund of the Commissioner shall be governed by such rules as may be framed by the Government."

8. Section 14 of the said Act shall be omitted

Omission of Section 14, Act XXIII of 1116.

9. In Section 30 of the said Act, the words "and appointments" shall be omitted.

Amendment of Section 30, Act XXIII of 1116.

10. In Section 34 of the said Act, the words "or appointment" shall be omitted.

Amendment of Section 34, Act XXIII of 1116.

11. In sub-section (1) of Section 35 of the said Act, for the word "Chingom", the word "April" shall be substituted.

Amendment of Section 35, Act XXIII of 1116.

12. In Chapter IV of the said Act, in the heading "Election And Appointment of Councillors", the words "And appointment" shall be omitted.

Amendment of heading in Chapter IV, Act XXIII of 1116.

18. For Sections 47, 48, 49, 50, 51, 52 and 53 of the said Act, the following sections shall be substituted, namely :—

Substitution of new sections for Sections 47 to 53 in Act XXIII of 1116.

"47. (1) For the purposes of election of councillors to a municipal council, the Government, after consulting the municipal council, may, by notification in the Gazette—

Election of municipal councillors.

(*a*) divide the municipality into as many wards as there are non-reserved seats :

Provided that the population of the wards in which no seats are reserved under sub-section (3) of Section 7, shall, as far as possible, be equal ; and

(*b*) determine the ward or wards in which the seat or seats, if any, shall be reserved for Scheduled Castes and Schednled Tribes under sub-section (3) of Section 7.

(2) Except in the case of the ward or wards determined under clause (*b*) of sub-section (1), one councillor shall be elected for each ward.

(3) Each of the wards determined under clause (*b*) of sub-section (1) shall elect two councillors, one of whom shall be a member of any of the Scheduled Castes or Scheduled Tribes.

(4) All the electors of a ward shall be entitled to vote at an election to any seat in that ward, whether reserved or non-reserved.

(5) In a ward where a seat is reserved for Scheduled Castes and Scheduled Tribes every elector shall have as many votes as there are councillors to be elected, but no elector shall give more than one vote to any one candidate.

(6) If an elector gives more than one vote to any one candidate in contravention of the provisions of sub-section (5), then, at the time of counting of votes, only one of the votes given by him to such candidate shall be taken into account and the other vote given by him to such candidate shall be rejected as void.

(7) When issuing under sub-section (1) a notification which materially alters the existing division of a municipality into wards, the Government may direct that the alteration shall take effect from the date of the next ordinary elections,

(8) When the number of councillors to be returned by a ward is altered or when a new ward is formed, or when an existing ward is abolished, the election authority shall with the approval of the Government determine—

(a) the ward which each councillor then on the council shall be deemed to represent; and

(b) the ward or wards in which elections shall be held to fill up vacancies, if any, in the council.

(9) The elections under this section shall be by ballot.

Qualifications for inclusion in electoral roll for the municipality and publication thereof.

48. (1) Subject to the provisions of sub-section (2) every person whose name is included in such part of the electoral roll for any Assembly Constituency as relates to the municipality or any portion thereof shall be entitled to be included in the electoral roll for the municipality prepared for the purposes of this Act, and no other person shall be entitled to be included in such roll.

Explanation I.—Where, in the case of any Assembly Constituency, there is no distinct part of the electoral roll relating to the municipality, all persons whose names are entered in such roll under the registration area comprising the municipality and whose addresses as entered in such roll are situated in the municipality shall be entitled to be included in the electoral roll for the municipality prepared for the purposes of this Act.

Explanation II.—No person's name shall be included in the electoral roll for the municipality in more than one place.

(2) No person who belongs to the category of persons referred to in sub-sections (3), (4) and (6) of Section 20 of the Representation of the People Act, 1950, who is entitled in pursuance of clause (a) of Section 60 of the Representation of the People Act, 1951, and the rules framed thereunder to give his vote by postal ballot shall be entitled to be included in the electoral rolls for the Municipality prepared for the purposes of this Act.

(3) As soon as may be, after the electoral rolls for the Assembly Constituencies which consist of, or comprise, the municipality or any portion thereof have been published, revised or amended in pursuance of the Representation

of the People Act, 1950, any person authorised by the election authority in this behalf shall publish in such manner as the Government may direct, the portions of the said rolls which relate to the municipality or of the alterations therein, as the electoral roll for the municipality or as alterations to such roll, as the case may be.

(4) The electoral roll for the municipality shall be divided into separate lists for each ward.

(5) Where, after the electoral roll for a municipality or any alterations thereto have been published under sub-section (3), the municipality is divided into wards for the first time, or the divisions of the municipality into wards is altered, or the limits of the municipality are varied, the election authority shall, as soon as may be after such division or alteration or variation, as the case may be, in order to give effect to the divisions of the municipality into wards or the alteration of the wards or to the variation of the limits, as the case may be, authorise a re-arrangement and republication of the electoral roll for the municipality or any part of such roll in such manner as the Government may direct.

(6) The electoral roll for the municipality published under sub-section (3) as revised by any alterations thereto subsequently published under that sub-section or under sub-section (5) shall remain in force until the publication of a fresh electoral roll for the municipality under sub-section (3).

(7) Every person whose name appears in the electoral roll for the municipality as so revised shall, so long as it remains in force, be entitled, subject to the provisions of this Act, to vote at an election; and no person whose name does not appear in such roll shall vote at an election.

Explanation.—In this section and Section 49, the expression "Assembly Constituency" shall mean a constituency determined by order made under Section 9 of the Representation of the People Act, 1950, for the purpose of elections to the Travancore-Cochin Legislative Assembly.

Power to correct electoral roll.

49. Notwithstanding anything contained in Section 48, the election authority may, after making such inquiry as he thinks fit, publish in such manner as the Government may direct, amendments to the electoral roll for any municipality for the purpose of bringing it into accord with the electoral roll for the relevant Assembly Constituency.

50. Notwithstanding anything contained in sub-section (7) of Section 48, no person who is of unsound mind, and stands so declared by a competent court, a deaf-mute or a leper shall be entitled to vote, and no person shall be entitled to vote during the period for which he is disqualified under Section 56.

Disqualification of voters.

51. (1) No person shall be qualified for election as a councillor unless—

Qualification of candidates.

(a) the name of such person appears on the electoral roll of the municipality;

(b) he has completed his twenty-fifth year of age;

(c) in the case of a seat reserved for Scheduled Castes and Scheduled Tribes, he is himself a member of any of the Scheduled Castes or Scheduled Tribes.

(2) No officer of Government shall be qualified for election or for holding office as a councillor:

Provided that this prohibition shall not apply to the holder of any office which does not involve both of the following incidents, namely:—

(a) that the incumbent is a whole time officer of the Government; and

(b) that he is remunerated by either salary or fees:

Provided further that if any question arises either before or after an election whether any person is or is not disqualified under this sub-section, the question shall be referred to the Government whose decision shall be final.

52. (1) A person shall be disqualified for election as a councillor if he has been convicted by a Criminal Court in India of any offence and sentenced to transportation or to imprisonment for not less than two years, unless a period of five years or such less period as the Government may allow in any particular case has elapsed since his release.

Disqualification of candidates.

(2) A person shall be disqualified for election as a councillor if such person is, at the date of nomination or election,—

(i) of unsound mind, and stands so declared by a competent court, a deaf-mute or a leper;

(ii) an undischarged insolvent ;

(iii) whether by himself or by any person or body of persons in trust for him or for his benefit or on his account, interested in a contract for the supply of goods to, or for the execution of any works or the performance of any service undertaken by the Municipality :

Provided that a person shall not be deemed to have any interest in such contract or work by reason only of his having a share or interest in—

(*a*) any lease, sale or purchase of immovable property or any agreement for the sale ; or

(*b*) any agreement for the loan of any money or any security for the payment of money only ; or

(*c*) any newspaper in which any advertisement relating to the affairs of the council is inserted ; or

(*d*) the sale to the council of any articles in which he regularly trades or the purchase from the council of any articles to a value in either case not exceeding fifteen hundred rupees in the aggregate in any year during the period of the contract or work ;

(iv) an officer or servant holding office under this Act or an honorary Magistrate for the municipal town ;

(v) already a councillor whose term of office as such will not expire before his fresh election can take effect, or has already been elected a councillor whose term of office has not yet commenced ;

(vi) employed as paid legal practitioner on behalf of the council ;

(vii) the servant or employer or the official subordinate or official superior of a councillor holding office on the said date ; or

(viii) in arrears of any kind due by him to the municipality up to and inclusive of the previous year in respect of which a bill or notice has been duly served upon him, and the time, if any, specified therein for payment has expired.

(3) No person shall be qualified for election during the period for which he is disqualified under Section 56.

Disqualification of councillors.

53. (1) Subject to the provisions of Section 54, a councillor shall cease to hold his office, if he—

(*a*) is sentenced by a criminal court in India to such punishment and for such offence as is described in sub-section (1) of Section 52 :

Provided that a disqualification under this clause shall not take effect until three months have elapsed from the date of such disqualification or if within these three months an appeal or petition for revision is brought in respect of the conviction or the sentence, until that appeal or petition is disposed of;

(*b*) becomes of unsound mind and stands so declared by a competent court, a deaf-mute or a leper ;

(*c*) applies to be adjudicated or is adjudicated an insolvent ;

(*d*) subject to the proviso to clause (iii) of sub-section (2) of Section 52, acquires any interest, whether by himself or by any person or body of persons in trust for him or for his benefit or on his account in a contract for the supply of goods to or for the execution of any works or the performance of any services undertaken by the Municipality ;

(*e*) is employed as a paid legal practitioner on behalf of the council or accepts employment as legal practitioner against the council ;

(*f*) is appointed as an officer or servant under this Act or as an honorary Magistrate for the municipal town ;

(*g*) accepts employment under or becomes the official subordinate of any other councillor ;

(*h*) ceases to reside in the municipality or within two miles thereof ;

(*i*) fails to pay arrears of any kind due by him to the municipality within three months after a bill or notice has been duly served upon him under this Act or, where in the case of any arrears this Act does not require the service of any bill or notice, within three months after a notice requiring payment of the arrears (which notice it shall be the duty of the executive authority to serve at the earliest possible date) has been duly served upon him by the executive authority ; or

(*j*) absents himself from the meetings of the council for a period of three consecutive months reckoned from the date of the commencement of his term of office or of the last meeting which he attended, or of his restoration to office as councillor under sub-section (3), as the case may be,

or if within the said period less than three meetings have been held, absents himself from three consecutive meetings held after the said date:

Provided that no meeting from which a councillor absents himself shall be counted against him under this clause, if due notice of that meeting was not given to him.

Explanation. A meeting held under sub-rule (2) of Rule 2 of Schedule I or Rule 3 of that Schedule shall not be deemed to be a meeting within the meaning of this clause.

(2) Where a person ceases to be a councillor under clause (a) of sub-section (1) or under Section 56, he shall be restored to office for such portion of the period for which he was elected as may remain unexpired at the date of such restoration, if and when the sentence or order is annulled on appeal or revision. And any person elected to fill the vacancy in the interim shall on such restoration vacate office.

(3) Where a person ceases to be a councillor under clause (i) of sub-section (1), the executive authority shall at once intimate the fact in writing to such person and report the same to the council at its next meeting. If such person applies for restoration *suo motu* to the council on or before the date of its next meeting or within fifteen days of the receipt by him of such intimation, the council may at the meeting next after the receipt of such application restore him to his office of councillor:

Provided that a councillor shall not be so restored more than twice during his term of office."

Amendment of Section 54. Act XXIII of 1116.

14. In sub-section (1) of Section 54 of the said Act, between the word "request of the council" and the word "shall", the words "or on a direction from the Government" shall be inserted.

Amendment of Section 127. Act XXIII of 1116.

15. In Section 127 of the said Act, for the word "Medam" the word "January" shall be substituted.

PART III

AMENDMENT OF THE COCHIN MUNICIPAL ACT, XVIII OF 1113.

Amendment of Section 7, Act XVIII of 1113.

16. For sub-sections (2), (3) and (4) of Section 7 of the Cochin Municipal Act, XVIII of 1113 (hereinafter in this Part referred to as the said Act), the following sub-sections shall be substituted, namely:—

"(2) All the councillors of every municipality shall be elected.

(3) Seats shall be reserved for Scheduled Castes and Scheduled Tribes in the council. The number of such seats, which shall be determined by the Government, shall bear, as nearly as may be, the same proportion to the total number of seats in the council as the population of Scheduled Castes and Scheduled Tribes in the municipality bears to the total population of the municipality.

(4) In the Municipalities of Ernakulam and Mattanchery one seat each shall be reserved for the Anglo-Indian community.

(5) Notwithstanding anything contained in sub-sections (3) and (4), the provisions of this Act relating to reservation of seats for Scheduled Castes and Scheduled Tribes and the Anglo Indian community in the council shall cease to have effect on the expiration of a period of nine years from the date on which the councillors elected at the first ordinary elections after the commencement of the Travancore District Municipalities and the Cochin Municipal (Amendment) Act, 1952, enter upon office:

Provided that nothing in this sub-section shall affect any representation in the council until the expiration of the term of the then existing council.

(6) Nothing contained in sub-sections (3) and (4) shall be deemed to prevent members of Scheduled Castes and Scheduled Tribes and of the Anglo-Indian community from standing for election to the non-reserved seats in the Council;

(7) For the purposes of this Act, "Scheduled Castes" and "Scheduled Tribes" shall mean the castes and tribes which the Government may by notification in the Gazette declare to be Scheduled Castes and Scheduled Tribes and "population" shall mean the population as ascertained at the last preceding census of which the relevant figures have been published."

17. In Section 8 of the said Act—

Amendment of Section 8, Act XVIII of 1113.

(a) in sub-section (1), for the word "Vrischigom", the word "January" shall be substituted;

(b) in sub-section (2), for the words "Chingom and Kanni", the words "October and November" shall be substituted, and for the word "Kanni" in the proviso thereto, the word "November" shall be substituted;

(c) to sub-section (2), the following further proviso shall be added, namely:—

"Provided further that the Government may for sufficient reason direct from time to time the postponement or alteration of the date of an ordinary election or any stage thereof and the election authority shall give effect to such direction".

18. In Section 11 of the said Act—

Amendment of Section 11, Act XVIII of 1113.

(a) for sub-sections (6) and (7), the following sub-sections shall be substituted, namely:—

"(6) When the office of the Chairman is vacant or the Chairman has been continuously absent from jurisdiction for more than fifteen days or is incapacitated and there is either a vacancy in the office of the Vice Chairman or the Vice-Chairman has been continuously absent from jurisdiction for more than fifteen days or is incapacitated, the Tahsildar of the Taluk shall, after giving notice of not less than seven clear days to the councillors, convene a meeting for the election of the Chairman if there is a vacancy in that office and until a new Chairman or Vice-Chairman is elected and assumes office or either the Chairman or the Vice Chairman returns to jurisdiction or recovers from his incapacity, as the case may be, the Tahsildar shall, notwithstanding anything contained in this Act or the rules or notifications issued thereunder, be *ex-officio* member and Chairman of the council.

(7) An outgoing Chairman or Vice-Chairman shall if otherwise qualified be eligible for re-election."

19 In Section 13 of the said Act—

Amendment of Section 13, Act XVIII of 1113.

(a) for sub section (2) the following sub-section shall be substituted, namely:—

"(2) The Commissioner shall hold office for such period not exceeding three years as may be specified in the order of his appointment. An outgoing Commissioner shall be eligible for re-appointment if he is otherwise qualified";

(b) for sub-section (6), the following sub-section shall be substituted, namely :—

"(6) (a) The Commissioner shall be paid out of the municipal fund such salaries and allowances not exceeding four hundred rupees per mensem in the aggregate as may from time to time be fixed by the Government.

(b) The municipal council shall contribute to leave allowances, provident fund or pension and gratuity of the Commissioner to the extent required by the Government.

(c) The leave and leave allowances, superannuation or retirement, pension or gratuity and provident fund of the Commissioner shall be governed by such rules as may be framed by the Government."

Amendment of Section 31, Act XVIII of 1113

20. Sub-section (2) of Section 31 of the said Act shall be omitted.

Amendment of Section 33, Act XVIII of 1113.

21. In sub-section (1) of Section 33 of the said Act, for the word "Kanni", the word "April" shall be substituted.

Omission of Section 42, Act XVIII of 1113.

22. Section 42 of the said Act shall be omitted.

Substitution of new sections for Sections 47 to 51 in Act XVIII of 1113.

23. For Sections 47, 48, 49, 50 and 51 of the said Act, the following sections shall be substituted, namely:—

Election of municipal councillors.

"47. (1) For the purposes of election of councillors to a municipal council, the Government, after consulting the municipal council, may, by notification in the Gazette,—

(a) divide the Municipality into as many wards as there are non-reserved seats :

Provided that the population of the wards in which no seats are reserved under sub-section (3) or (4) of Section 7 shall, as far as possible, be equal ; and

(b) determine the ward or wards in which the seat or seats, if any, shall be reserved for Scheduled Castes and Scheduled Tribes and the Anglo-Indian community under sub-sections (3) and (4) of Section 7.

(2) Except in the case of the ward or wards determined under clause (b) of sub-section (1), one councillor shall be elected for each ward.

(3) Each of the wards determined under clause (b) of sub-section (1) shall elect two councillors, one of whom shall be a member of any of the Scheduled Castes or Scheduled Tribes or, as the case may be, a member of the Anglo-Indian community, according as the reservation made is for Scheduled Castes and Scheduled Tribes or the Anglo-Indian community.

(4) All the electors of a ward, shall be entitled to vote at an election to any seat in that ward, whether reserved or non-reserved.

(5) In a ward where a seat is reserved for the Scheduled Castes and Scheduled Tribes, and the Anglo-Indian Community every elector shall have as many votes as there are councillors to be elected, but no elector shall give more than one vote to any one candidate.

(6) If an elector gives more than one vote to any one candidate in contravention of the provisions of sub-section (5), then at the time of counting of votes, only one of the votes given by him to such candidate shall be taken into account and the other vote given by him to such candidate shall be rejected as void.

(7) When issuing under sub-section (1) a notification which materially alters the existing division of a municipality into wards, the Government may direct that the alteration shall take effect from the date of the next ordinary elections.

(8) When the number of councillors to be returned by a ward is altered, or when a new ward is formed, or when an existing ward is abolished, the election authority shall with the approval of the Government determine—

(a) the ward which each councillor then on the council shall be deemed to represent ; and

(h) the ward or wards in which elections shall be held to fill up vacancies, if any, in the council.

(9) The elections under this section shall be by ballot.

Qualifications for inclusion in electoral roll for the municipalities and publication thereof.

48. (1) Subject to the provisions of sub-section (2), every person whose name is included in such part of the electoral roll for any Assembly Constituency as relates to the municipality or any portion thereof, shall be entitled to be included in the electoral roll for the municipality prepared for the purposes of this Act, and no other person shall be entitled to be included in such roll.

Explanation I:—Where, in the case of any Assembly Constituency, there is no distinct part of the electoral roll relating to the municipality, all persons whose names are entered in such roll under the registration area comprising the municipality and whose addresses as entered in such roll are situated in the municipality shall be entitled to be included in the electoral roll for the municipality prepared for the purposes of this Act.

Explanation II:—No person's name shall be included in the electoral roll for the municipality in more than one place.

(2) No person who belongs to the category of persons referred to in sub sections (3), (4) and (5) of Section 20 of the Representation of the People Act, 1950. who is entitled in pursuance of clause (a) of Section 60 of the Representation of the People Act, 1951, and the rules framed thereunder to give his vote by postal ballot shall be entitled to be included in the electoral rolls for the Municipality prepared for the purposes of this Act.

(3) As soon as may be, after the electoral rolls for the Assembly Constituencies, which consist of, or comprise, the municipality or any portion thereof, have been published, revised or amended in pursuance of the Representation of the People Act, 1950, any person authorised by the election authority in this behalf shall publish, in such manner as the Government may direct, the portions of the said rolls which relate to the municipality or of the alterations therein, as the electoral roll for the municipality or as alterations to such roll, as the case may be.

(4) The electoral roll for the municipality shall be divided into separate lists for each ward.

(5) Where, after the electoral roll for a municipality or any alterations thereto have been published under sub section (3), the division of the municipality into wards is altered, or the limits of the municipality are varied, the election authority shall, as soon as may be after such division or alteration or variation, as the case may be, in order to give effect to the alteration of the wards, or to the variation of the limits, as the case may be, authorise a rearrangement and republication of the electoral roll for the municipality or any part of such roll in such manner as the Government may direct.

(6) The electoral roll for the municipality published under sub-section (3) as revised by any alterations thereto subsequently published under that sub-section or under sub-section (5) shall remain in force until the publication of a fresh electoral roll for the municipality under sub-section (3).

(7) Every person whose name appears in the electoral roll for the municipality as so revised shall, so long as it remains in force, be entitled, subject to the provisions of this Act, to vote at an election; and no person whose name does not appear in such roll shall vote at an election.

Explanation:—In this section and Section 49, the expression "Assembly Constituency" shall mean a constituency determined by order made under Section 9 of the Representation of the People Act, 1950, for the purpose of elections to the Travancore-Cochin Legislative Assembly.

Power to correct electoral roll.

49. Notwithstanding anything contained in Section 48, the election authority may, after making such inquiry as he thinks fit, publish in such manner as the Government may direct, amendments to the electoral roll for any municipality for the purpose of bringing it into accord with the electoral roll for the relevant Assembly Constituency.

Disqualification of voters.

50. Notwithstanding anything contained in sub-section (7) of Section 48, no person who is of unsound mind and stands so declared by a competent court, a deaf-mute or a leper shall be entitled to vote, and no person shall be entitled to vote during the period for which he is disqualified under Section 56.

51. (1) No person shall be qualified for election as a councillor unless—

Qulification of candidates.

(a) the name of such person appears on the electoral roll of the municipality;

(b) he has completed his twenty-fifth year of age;

(c) in the case of a seat reserved for Scheduled Castes and Scheduled Tribes or the Anglo-Indian Community, he is himself a member of any of the Scheduled Castes or Scheduled Tribes or of the Anglo-Indian Community, as the case may be.

(2) No officer of Government shall be qualified for election or for holding office as a councillor:

Provided that this prohibition shall not apply to the holder of any office which does not involve both of the following incidents, namely:—

(a) that the incumbent is a whole time servant of the Government; and

(b) that he is remunerated by either salary or fees:

Provided further that if any question arises either before or after an election whether any person is or is not disqualified under this sub-section, the question shall be referred to the Government whose decision shall be final."

24. In Section 52 of the said Act—

Amendment of Section 52, Act XVIII of 1113.

(1) for sub-section (1), the following shall be substituted, namely:—

"(1) A person shall be disqualified for election as a councillor if he has been convicted by a Criminal Court in India of any offence and sentenced to transportation or to imprisonment for not less than two years, unless a period of five years or such less period as the Government may allow in any particular case has elapsed since his release."

(2) In sub-section (2)—

(a) for clause (a), the following clause shall be substituted, namely.—

"(a) of unsound mind and stands so declared by a competent court, a deaf-mute or a leper."

(b) for clause (b), the following clause shall be substituted, namely:—

"(b) an undischarged insolvent."

(c) for the opening paragraph of clause (c), the following paragraph shall be substituted, namely,—

"(c) whether by himself or by any person or body of persons in trust for him or for his benefit or on his account, interested in a contract for the supply of goods to. or for the execution of any works or the performance of any services undertaken by the Municipality".

(d) In clause (d) the words 'or as legal practitioner against the Council' shall be deleted.

(3) For sub-section (3), the following sub-section shall be substituted, namely :—

"(3) No person shall be qualified for election during the period for which he is disqualified under Section 56".

25. In Section 53 of the said Act—

(a) in sub-section (1)—

(1) to clause (a) the following proviso shall be added namely :—

"Provided that a disqualification under this clause shall not take effect until three months have elapsed from the date of such disqualification or if within these three months an appeal or petition for revision is brought in respect of the conviction or the sentence, until that appeal or petition is disposed of"

(2) for clauses (b), (c) and (d), the following clauses shall be substituted, namely :—

"(b) becomes of unsound mind and stands so declared by a competent Court, a deaf-mute or a leper;

(c) applies to be adjudicated or is adjudicated as insolvent;

(d) subject to the proviso to clause (iii) of sub-section (2) of Section 52, acquires any interest whether by himself or by any person or body of persons in trust for him or for his benefit or on his account in a contract for the supply of goods to or for the execution of any works or the performance of any services undertaken by the Municipality."

(b) Sub-section (2) shall be omitted.

26. After Section 71 of the said Act, the following section shall be inserted namely:—

Insertion of new Section 71 A in Act XVIII of 1118.

"71 A. (1) Notwithstanding anything contained in this Act, the Government may, by notification, constitute any class of officers or servants of municipal councils into a municipal service for Cochin :

Co-ordination of any class of municipal officers or servants.

Provided that no notification shall be issued under this sub-section—

(i) unless all the municipal councils constituted under this Act have been consulted in respect thereof, and

(ii) unless a majority of the councils so consulted have passed a resolution supporting such issue.

(2) Upon the issue of a notification under sub-section (1), the Government shall have power, subject to the provisions of Section 314, sub-section (3), to make rules to regulate the classification, methods of recruitment, conditions of service, pay and allowances and discipline and conduct of the municipal service thereby constituted, and such rules may vest jurisdiction in relation to such service in the Government or in such other authority or authorities as may be prescribed therein."

27. In sub-section (5) of Section 374 of the said Act, for the word "Vrischigom" in both places where it occurs, the word "November" shall be substituted.

Amendment of Section 374, Act XVIII of 1118.

PART IV.

EXTENSION OF TERM OF OFFICE OF COUNCILLORS AND CHAIRMEN.

Extension of term of office of Councillors and Chairmen.

28. Notwithstanding anything to the contrary contained in Section 8 of the Travancore District Municipalities Act, 1116 (XXIII of 1116) or Section 8 of the Cochin Municipal Act, XVIII of 1113 or Section 2 of the Term of Office of Municipal Councillors and Chairman (Extension) Act, 1950 (XXIV of 1950), the term of office of the Councillors and Chairmen of all the Municipalities constituted under the Travancore District Municipalities Act, 1116 (XXIII of 1116) and the Cochin Municipal Act, XVIII of 1113 shall extend up to noon on the first day of January 1953.

NOTIFICATION.

LD (b) 3-280|52|Law.

The following Act, passed by the Legislative Assembly and assented to by His Highness the Rajpramukh, is hereby published for general information.

By order of His Highness
the Rajpramukh,

Government Secretariat,
Law Department,
Trivandrum,
9th August 1952.

N. S. RADHAKRISHNA SARMA,
Secretary to Government.

ACT XVIII OF 1952.

THE TRIVANDRUM CITY MUNICIPAL (SECOND AMENDMENT) ACT.

Preamble.

Whereas it is deemed necessary further to amend the Trivandrum City Municipal Act, 1116 (Act IV of 1116), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Trivandrum City Municipal (Second Amendment) Act, 1952.

(2) It shall come into force at once.

Amendment of Section 3, Act IV of 1116.

2. In Section 3 of the Trivandrum City Municipal Act, 1116 (Act IV of 1116), hereinafter referred to as the said Act —

(a) for clause (8), the following clause shall be substituted, namely:—

"Casual vacancy" and "Casual election."

"(8) "Casual vacancy" means a vacancy occurring otherwise than by efflux of time and "Casual election" means an election held on the occurrence of a casual vacancy.";

(b) for clause (25), the following clause shall be substituted, namely:—

"Ordinary vacancy" and "Ordinary election."

"(25) "Ordinary vacancy" means a vacancy occurring by efflux of time and "Ordinary election" means an election held on the occurrence of an ordinary vacancy."

3. For sub-section (1) of Section 5 of the said Act, the following sub-section shall be substituted, namely :—

Amendment of Section 5, Act IV of 1116.

"(1) (*a*) The council shall consist of such number of councillors as may be notified by the Government :

Provided that such number shall not be less than twenty-four or more than forty.

(*b*) The councillors shall be elected by the municipal electors.

(*c*) Seats shall be reserved for Scheduled Castes in the council. The number of such seats, which shall be determined by the Government, shall bear, as nearly as may be, the same proportion to the total number of seats in the council as the population of Scheduled Castes in the city bears to the total population of the city.

(*d*) Notwithstanding anything contained in clause (*c*), the provisions of this Act relating to reservation of seats for Scheduled Castes in the council shall cease to have effect on the expiration of a period of nine years from the date on which the councillors elected at the first ordinary elections after the commencement of the Trivandrum City Municipal (Second Amendment) Act, 1952, enter upon office :

Provided that nothing in this clause shall affect any representation in the council until the expiration of the term of the then existing council.

(*e*) Nothing contained in clause (*c*) shall be deemed to prevent members of Scheduled Castes from standing for election to the non-reserved seats in the council.

(*f*) For the purposes of this Act, "Scheduled Castes" shall mean the castes which the Government may by notification in the Gazette declare to be Scheduled Castes, and "population" shall mean the population as ascertained at the last preceding census of which the relevant figures have been published."

4. For sub-sections (1) and (2) of Section 8 of the said Act, the following sub-sections shall be substituted, namely :—

Amendment of Section 8, Act IV of 1116.

"(1) The Commissioner shall hold office for such period not exceeding three years as may be specified in the order of his appointment. An outgoing Commissioner shall be eligible for reappointment if otherwise qualified.

(2) The Government may at any time remove the Commissioner from office and shall do so if such removal is recommended by a resolution of the council passed at a special meeting called for the purpose and supported by the votes of not less than two-thirds of the sanctioned strength of the council."

5. For Section 15 of the said Act, the following section shall be substituted, namely:—

Substitution of new section for Section 15, Act IV of 1116.

"15. (1) The Corporation shall contribute to leave allowances, provident fund or pension and gratuity of the Commissioner to the extent required by the Government.

Service regulations of Commissioner.

(2) The leave and leave allowances, superannuation or retirement, pension or gratuity, and provident fund of the Commissioner shall be governed by such rules as may be framed by the Government".

6. In Section 29 of the said Act—

Amendment of Section 29, Act IV of 1116.

(a) for the word "December", the word "January" shall be substituted;

(b) the proviso shall be omitted.

7. In Section 30 of the said Act, the words "or appointment" shall be omitted.

Amendment of Section 30, Act IV of 1116.

8. In sub-section (1) of Section 40 of the said Act, for the word "Chingom", the word "April" shall be substituted.

Amendment of Section 40, Act IV of 1116.

9. In Chapter III of the said Act, in the heading "Election and Appointment of Councillors", the words "and Appointment" shall be omitted.

Amendment of heading in Chapter III, Act IV of 1116.

10. For Sections 46, 47, 48, 49, 50, 51, 52, 53 and 54 of the said Act, the following sections shall be substituted, namely:—

Substitution of new sections for Sections 46 to 54, Act IV of 1116.

"46. (1) For the purposes of the election of councillors, the city shall be divided into as many territorial divisions as there are non-reserved seats. The Government shall, after consulting the council, by notification in the Gazette, fix the boundaries of such divisions:

Electoral divisions.

Provided that the population of the wards in which no seats are reserved under clause (c) of sub-section (1) of Section 5 shall, as far as possible, be equal.

(2) The Government may, after consulting the council, by notification in the Gazette, alter the boundaries of such divisions.

(3) (a) For the purposes of the election of councillors to fill the seats reserved for Scheduled Castes, the Government may, after consulting the council, by notification in the Gazette, declare from time to time in which division or divisions the said seats shall be reserved. Any division in which a seat is reserved shall contain as far as possible, double the number of voters there are in a division with no reserved seat.

(b) The Government may, after consulting the council, by notification in the Gazette, vary any declaration made under clause (a).

47. (1) Except in the case of the divisions notified by the Government under sub-section (3) of Section 46, one councillor shall be elected for each division.

Number of councillors for each division.

(2) Each of the divisions notified under sub-section (3) of Section 46 shall elect two councillors, one of whom shall be a member of any of the Scheduled Castes.

(3) All the electors in a division, shall be entitled to vote at an election to any seat in that division, whether reserved or non-reserved.

(4) In a division where a seat is reserved for Scheduled Castes, every elector shall have as many votes as there are councillors to be elected, but no elector shall give more than one vote to any one candidate.

(5) If an elector gives more than one vote to any one candidate in contravention of the provisions of sub-section (4), then, at the time of counting of votes, only one of the votes given by him to such candidate shall be taken into account and the other vote given by him to such candidate shall be rejected as void.

(6) The elections under this section shall be by ballot.

48. (1) Subject to the provisions of sub-section (2), every person whose name is included in such part of the electoral roll for the Assembly Constituency as relates to the city or any portion thereof shall be entitled to be included in the electoral roll for the city prepared for the purposes of this Act, and no other person shall be entitled to be included in such roll.

Qualification for inclusion in electoral roll for city and publication thereof.

Explanation I. Where in the case of any Assembly Constituency, there is no distinct part of the electoral roll relating to the city, all persons whose names are entered in such roll under the registration area comprising the city and whose addresses as entered in such roll are situated in the city shall be entitled to be included in the electoral roll for the city prepared for the purposes of this Act.

Explanation II. No person's name shall be included in the electoral roll for more than one division or in the electoral roll for any division in more than one place.

(2) No person who belongs to the class of persons mentioned in sub-sections (3), (4) and (6) of Section 20 of the Representation of the People Act, 1950 and who is entitled, in pursuance of clause (a) of Section 60 of the Representation of the People Act, 1951, and the rules made thereunder, to give his vote by postal ballot, shall be entitled to be included in the electoral roll for the city prepared for the purposes of this Act.

(3) As soon as may be, after the electoral rolls for the Assembly Constituencies which consist of or comprise the city or any portion thereof have been published, revised or amended in pursuance of the Representation of the People Act, 1950, the Commissioner shall publish in such manner as the Government may direct, the portions of the said rolls which relate to the city or of the alterations therein, as the electoral roll for the city or as alterations to such roll, as the case may be.

(4) The electoral roll shall be divided into separate lists for each division.

(5) Where, after the electoral roll for the city or any alterations to such roll have been published under sub-section (3), the division of the city into territorial divisions is altered, or the limits of the city are varied, the Commissioner shall, as soon as may be, in order to give effect to the alteration of the territorial divisions, or the variation of the limits, as the case may be, rearrange and republish the electoral roll for the city or any part of such roll in such manner as the Government may direct.

(6) The electoral roll for the city published under sub-section (3) as revised by any alterations thereto subsequently published under that sub-section or under sub-section (5) shall remain in force until the publication of a fresh roll for the city under sub-section (3).

(7) Every person whose name appears in the electoral roll for the city as so revised shall, so long as it remains in force, be entitled, subject to the provisions of this Act, to vote at an election; and no person whose name does not appear in such roll shall vote at an election.

Explanation:—In this section and Section 49, the expression "Assembly Constituency" shall mean a constituency determined by order made under Section 9 of the Representation of the People Act, 1950, for the purpose of elections to the Travancore-Cochin Legislative Assembly.

Power to correct electoral roll.

49. Notwithstanding anything contained in Section 48, the Commissioner may, after making such inquiry as he thinks fit, publish in such manner as the Government may direct, amendments to the electoral roll for the city for the purpose of bringing it into accord with the electoral roll for the relevant Assembly Constituency.

Disqualification of voters.

50. Notwithstanding anything contained in sub-section (7) of Section 48, no person who is of unsound mind and stands so declared by a competent court, a deaf-mute or a leper shall be entitled to vote and no person shall be entitled to vote during the period for which he is disqualified under Section 66.

Qualification of candidates.

51. No person shall be qualified for election as a councillor unless—

(a) the name of such person appears on the electoral roll for any division of the city;

(b) he has completed his twenty-fifth year of age;

(c) in the case of a seat reserved for Scheduled Castes, he is himself a member of any of the Scheduled Castes.

Disqualification of candidates.

52. (1) A person shall be disqualified for election as a Councillor if he has been convicted by a Criminal Court in India of any offence and sentenced to transportation or to imprisonment for not less than two years, unless a period of five years or such less period as the Government may allow in any particular case, has elapsed since his release.

(2) A person shall be disqualified for election as a councillor if such person is, at the date of nomination or election—

(a) of unsound mind and stands so declared by a compentent court, a deaf-mute or a leper;

(b) an undischarged insolvent;

(c) whether by himself or by any person or body of persons in trust for him or for his benefit or on his account, interested in a contract for the supply of goods to, or for the execution of any works or the performance of any services undertaken by, the Corporation;

Provided that a person shall not be deemed to have any interest in such contract or work by reason only of his having a share or interest in—

(i) any lease, sale or purchase of immovable property or any agreement for the same;

(ii) any agreement for the loan of money or any security for the payment of money only;

(iii) any newspaper in which any advertisement relating to the affairs of the Corporation is inserted;

(iv) any company or association which contracts with the Corporation for lighting or supplying with water any part of the city or insuring against fire any property of the Corporation;

(v) any company otherwise than as a director, manager or managing agent of such company;

(vi) the sale to the Corporation of any articles in which he regularly trades or the purchase from the Corporation of any articles;

(*d*) an officer or servant holding office under this Act;

(*e*) employed as paid legal practitioner on behalf of the Corporation;

(*f*) in receipt of or paid from the funds at the disposal of or under the control of the Corporation any salary or other remuneration for services rendered by him in any capacity whatsoever;

(*g*) a whole-time officer or servant of the Government or an honorary Magistrate;

(*h*) already a councillor whose term of office as such will not expire before his fresh election can take effect or has already been elected a councillor whose term of office has not yet commenced; or

(*i*) in arrears of any kind due by him to the Corporation upto and inclusive of the previous year in respect of which a bill, notice or direction has been duly served upon him, and the time, if any, specified therein for payment has expired.

(3) A person shall be disqualified for election as a councillor during the period for which he is disqualified under Section 66.

Disqualification of councillors.

53. Subject to the provisions of Section 56, a councillor shall cease to be a councillor if he—

(*a*) is sentenced by a criminal court in India to such punishment and for such offence as is described in Section 52, sub-section (1):

Provided that a disqualification under this clause shall not take effect until three months have elapsed from the date of such disqualification or if within those three months an appeal or petition for revision is brought in respect of the conviction or the sentence, until that appeal or petition is disposed of;

(*b*) becomes of unsound mind and stands so declared by a competent court, a deaf-mute or a leper;

(*c*) applies to be adjudicated or is adjudicated an insolvent;

(*d*) subject to the proviso to clause (c) of sub-section (2) of Section 52, acquires any interest, whether by himself or by any person or body of persons in trust for him or for his benefit or on his account, in a contract for the supply of goods to, or for the execution of any works or the performance of any services undertaken by, the Corporation;

(*e*) is employed or retains employment as paid legal practitioner on behalf of the Corporation or receives or be paid from the funds at the disposal of or under the control of the council, any salary or other remuneration for services rendered by him in any capacity whatsoever;

(*f*) accepts or retains employment as legal practitioner against the Corporation;

(*g*) is appointed to and accepts any office or post referred to in clause (d) or clause (g) of sub-section (2) of Section 52;

(*h*) is disqualified under Section 66;

(*i*) ceases to reside in the city;

(*j*) fails to attend the meetings of the council for a period of three consecutive months;

(*k*) fails to pay arrears of any kind due by him to the Corporation within three months after a bill, notice or direction has been served upon him under this Act, or, where, in the case of any arrear, this Act does not require the service of any bill, notice or direction, within three months after a notice requiring payment of the arrear (which notice it shall be the duty of the Commissioner to serve at the earliest possible date) has been duly served upon him by the Commissioner.

(2) Where a person ceases to be a councillor under clause (a) or clause (g) or clause (h) of sub-section (1), he shall be restored to office for such portion of the period for which he was elected as may remain unexpired on the date of such restoration if and when the sentence or order is annulled on appeal or revision, and any person elected to fill the vacancy in the interim shall on such restoration vacate office.

(3) In the case of a person who has ceased to be a councillor in consequence of failure to attend meetings, the matter shall be reported by the Commissioner at the next ordinary meeting and the council may at that meeting restore such person to office."

11. In Section 55 of the said Act—

Amendment of Section 55, Act IV of 1116.

(i) for sub-section (1), the following sub-section shall be substituted, namely :—

"(1) Every person who is elected to be a councillor shall before taking his seat make at a meeting of the council an oath or affirmation in the following form, namely :—

"I, A. B, having been elected a councillor of this Council do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established and that I will faithfully discharge the duties upon which I am about to enter."

(ii) in sub-sections (2) and (3), the words "or appointed" shall be omitted.

12. In Section 56 of the said Act—

Amendment of Section 56, Act IV of 1116.

(i) in sub-section (1), the words "or appointed" shall be omitted and for the words and figures "Section 53 or Section 54", the words and figures "Section 52 or Section 53" shall be substituted;

(ii) in sub-section (2), for the words and figures "Section 53 or Section 54", the words and figures "Section 52 or Section 53" shall be substituted.

13. In the heading "General Rules for Election and Appointment" occurring before Section 57 of the said Act, the words "and Appointment" shall be omitted.

Amendment of heading occurring before Section 57, Act IV of 1116.

14. In Section 57 of the said Act—

Amendment of Section 57, Act IV of 1116.

(i) in sub-section (1), for the words "divisional councillors," the word "councillors" and for the word "December", the word "January" shall be substituted ;

(ii) In sub-section (2), for the words "divisional councillor" the word "councillor" shall be substituted and to that sub-section the following proviso shall be added, namely:—

"Provided that the Government may, for sufficient cause, direct or permit the holding of any ordinary election after the end of November.";

(iii) in sub-sections (3) and (4), for the words "divisional councillor", the word "councillor" shall be substituted.

15. For Section 58 of the said Act, the following section shall be substituted, namely:—

Substitution of new section for Section 58, Act IV of 1116.

"58. (1) If at any ordinary or casual election held under Section 57 no councillor is elected, a fresh election shall be held on such day or days as the Commissioner may fix.

Procedure where no councillor is elected.

(2) If at such fresh election no councillor is elected, the council may in the manner prescribed elect a qualified person to fill the vacancy.

(3) The term of office of a councillor elected under this section shall expire at the time at which it would have expired if he had been elected at the ordinary or casual election, as the case may be."

16. In sub-section (2) of Section 59 of the said Act, between the word "shall" and the word "notify" the words "determine by lot and" shall be inserted.

Amendment of Section 59, Act IV of 1116.

17. In Section 61 of the said Act, the words "and appointments" shall be omitted.

Amendment of Section 61, Act IV of 1116.

18. In Section 62 of the said Act—

Amendment of Section 62, Act IV of 1116.

(i) in sub-section (1), for the words "divisional and other elections and appointments", the word "elections" shall be subsituted;

(ii) in clause (b) of sub-section (2), the words "or appointments" shall be omitted.

19. Sections 63 and 64 of the said Act shall be omitted.

Omission of Sections 63 and 64, Act IV of 1116.

20. In Section 66 of the said Act, the words "or from being appointed to the office of councillor" shall be omitted.

Amendment of Section 66, Act IV of 1116.

21. In sub-section (1) of Section 83 of the said Act, for the words "twenty-four councillors", the words "two-thirds of the sanctioned strength of the council" shall be substituted.

Amendment of Section 83, Act IV of 1116.

22. In Section 159 of the said Act, for the words "tenth day of Medom" the words "fifteenth day of January" shall be substituted.

Amendment of Section 159, Act IV of 1116.

23. In Section 160 of the said Act—

Amendment of Section 160, Act IV of 1116.

(i) in sub-section (1), for the words "tenth day of Medom," the words "fifteenth day of January" shall be substituted;

(ii) in sub-section (3), for the word "Edavom", the word "February" shall be substituted.

24. In Section 161 of the said Act, for the word "Mithunam", the words "the first week of March" shall be substituted.

Amendment of Section 161, Act IV of 1116.

25. In Schedule I of the said Act—

Amendment of Schedule I, Act IV of 1116.

(i) In Rules 2, 6, 7, 8 and 9, for the word "members" and the word "member" wherever they occur, the word "councillors" and the word "councillor" respectively shall be substituted;

(ii) in Rule 3, for the words "Thulam, Dhanu, Kumbhom, Medom, Mithunam and Chingom", the words "April, June, August, October, December and February" shall be substituted;

(iii) in sub-rule (1) of Rule 4, for the words "signed by eight councillors", the words "signed by not less than one-fourth of the number of councillors sanctioned for the Council" shall be substituted;

(iv) in sub-rule (1) of Rule 10, after the word "Mayor" the words "or the presiding councillor" shall be inserted;

(v) in Rule 14, for the words "three members", the words "not less than three members" shall be substituted.

Extension of term of existing councillors.

26. Notwithstanding anything to the contrary contained in Section 57 of the Trivandrum City Municipal Act (IV of 1116) or Section 2 of the Term of office of Municipal Councillors and Chairmen (Extension) Act, 1950 (XXIV of 1950), the term of office of the members of the Council of the Corporation of Trivandrum constituted under the said Act, shall extend up to noon on the first day of January, 1953.